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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/043,657
Applicant : Skillern
Filed : January 8, 2002
TC/A.U. : 3727
Examiner : Brevard, Maerena

Docket No. : HYD-8-P
Customer No. : 29698

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF JEFF SKILLERN

Sir:

I, JEFF SKILLERN, hereby declare that:

1. I am the sole, original and first inventor of the subject matter of the above-captioned patent application.
2. Although my ownership interest in the present pending application is currently under negotiation and my company is being restructured, I am the head of the company which sells a hydration system under the tradename Bi-Polar Reservoir.
3. The Bi-Polar Reservoir is a hydration system comprising a flexible pouch including a plurality of layers all joined together to form at least two compartments, at least one of said compartments for being filled with a thermal capacitance medium comprising a gel.
4. The Bi-Polar Reservoir is a hydration system comprising: a flexible pouch including a plurality of layers, said plurality of layers being all joined together to form at least two compartments; a conduit having an inlet and an outlet; and a pack including a housing portion and straps, wherein at least one of said compartments is filled with a gel, and at least one of said compartments is for being filled with a drinking fluid, wherein said conduit inlet is in fluid communication with said compartment for drinking fluid, and said outlet is capped by a valve, said valve being a bite-valve articulable by the jaws of a user, wherein said drinking fluid compartment is in fluid communication with a sealable opening for filling said drinking fluid compartment, and wherein said flexible pouch is received within said housing portion of said pack.

5. Since its introduction to the market in 2002 the Bi-Polar Reservoir has received positive press from a variety of mountain biking magazines noting its satisfaction of the long-felt need for a hydration system which provides chilled or heated drinking fluid while maintaining the comfortable flexibility of the pack.

6. Exhibit A is the cover of the September 2003 issue of Mountain Bike Action magazine and page 26 of that issue. The long-felt need for chilled water when riding on a hot summer day and the satisfaction of this need by the Bi-Polar Reservoir is discussed in the product review on page 26.

7. Exhibit B is the cover of the April 2003 issue of Mountain Biking Magazine and pages 52 and 58 of that issue. The long-felt need for cold water when bike riding on a hot day and the satisfaction of this need by the Bi-Polar system is acknowledged in the product review on page 58, which is part of the feature, 11 Things We Can't Live Without, which begins on page 52.

8. Exhibit C is the cover of the October 2002 issue of Mountain Biking Magazine and page 113 of that issue. The long-felt need for a hydration system that doesn't feel like a heat pack on your back when riding in the blazing heat and the satisfaction of this need by the Bi-Polar system is acknowledged in the product review in the top gear feature on page 113.

9. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Jeff Skillern10/15/04

Date of Execution